

Appl. No. 10/773,927

REMARKS**Corrective Action is requested.**

THE EXAMINER'S REFERENCED FINAL ACTION DOES NOT REFLECT ENTRY OF THE REPLY OF DECEMBER 24, 2005 (SEE HEREIN BELOW). NEW CLAIM 21 WAS ADDED IN THE DECEMBER 24TH AMENDMENT, AND INDEPENDENT CLAIMS 1 AND 12 (AND NEW CLAIM 21) WERE AMENDED SPECIFICALLY TO RECITE: I.E., THE PLUSH ENGAGING MEMBER INTEGRAL WITH THE EYE WITH THE PLUSH AFFIXED TO THE EYE FOR MOVEMENT OF THE PLUSH WITH THE EYE ASSEMBLY. THE RESPONSE TO ARGUMENTS IN THE ACTION MISSED CLAIM 21, AND ALSO MISSED THAT THE AMENDED LIMITATIONS ARE RECITED IN THE REJECTED CLAIMS. THIS IS NOT SHOWN IN THE ART.

Claims 1-21 are pending and claims 1, 2, 8, 12, 15 and 17 stand rejected under 35 USC §103(a) as being unpatentable over Hornsby et al., U.S. Patent No. 5,782,669 in view of Eppley U.S. Patent No. 6,099,379. New claim 21 was added. Claim 16 is indicated as allowed, and claims 3-7, 13, 14 and 18-20 were indicated as reciting allowable subject matter.

Whereas Hornsby's plush moves over the eye, Applicant's recited structure on the other hand has its plush-engaging member integral with the eye with the plush affixed to the eye for movement of the plush with the eye assembly (cover-engaging member in claim 12). As discussed on pages 9 and 10 of Applicant's Specification, for each spherical (eye) member of the eye assembly, a portion of the plush cover (e.g. the flap 320) is inserted between the shaped engaging member and the border member. As shown in Fig. 11, the crook of the flap 320 (i.e., the point where the first and second branches fork) engages the shaped member and the first branch 330 is stretched across with the free end of the first branch 330 affixed by sliding onto retaining post 16. Hornsby et al., itself or in combination with Eppley neither teaches nor suggests attaching to the eye itself for movement with the eye.

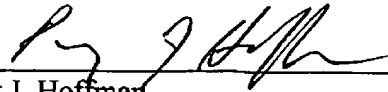
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If the Examiner would like to discuss Applicant's invention prior to issuing an action, the Examiner should feel free to contact the undersigned attorney.

In view of the foregoing, Applicant has placed the case in condition for reconsideration and respectfully requests allowance of pending claims 1-16 and 18-21.

Respectfully submitted,

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